



Section 3

Dkt. 61130/JPW/KRD

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Bernard Conrad and Bernard Mach
U.S. Serial No. : 09/490,700
Filed : January 24, 2000
For : METHODS FOR DIAGNOSIS AND THERAPY OF
AUTOIMMUNE DISEASE, SUCH AS INSULIN
DEPENDENT DIABETES MELLITUS, INVOLVING
RETROVIRAL SUPERANTIGENS

1185 Avenue of the Americas
New York, New York 10036
May 17, 2000

Assistant Commissioner for Patents
Washington, D.C. 20231

ATTN: Box Missing Parts

Sir:

**COMMUNICATION IN RESPONSE TO NOTICE TO FILE
MISSING PARTS OF APPLICATION UNDER 37 C.F.R. §1.53 (b) AND
TRANSMITTING VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL
ENTITY STATUS UNDER 37 C.F.R. §1.27 (c) - SMALL BUSINESS CONCERN**

In response to a Notice to File Missing Parts of Application under 37 C.F.R. §1.53(b) issued in connection with the above-identified application on March 28, 2000, a copy of which is enclosed as **Exhibit A**, applicants submit as **Exhibit B** a Declaration and Power of Attorney pursuant to 37 C.F.R. §1.53(b) and in compliance with 37 C.F.R. §1.63. The Declaration refers to the application's above-identified serial number and filing date. Applicants also submit attached hereto as **Exhibit C** a Verified Statement (Declaration) Claiming Small Entity Status Under 37 C.F.R. §1.9 (f) and § 1.27(c) (Small Business Concern). The Verified Statement is signed by an authorized official of the entity to whom the applicant has assigned the rights in the subject application, Novimmune S.A. C/O Medabiotech SA.

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In accordance with the Notice, the deadline for submitting the Declaration and Power of Attorney and the Verified Statement (Declaration) Claiming Small Entity Status Under 37 C.F.R. §1.9 (f) and §1.27(c) (Small Business Concern) is May 28, 2000. Accordingly, this Communication is being timely filed.

In the event that the United States Patent and Trademark office charged any fees in addition to those required for a small entity, applicants request a referral for any such fees. This refund should be credited to Deposit Account No. 03-3125 under Docket No. 61130.

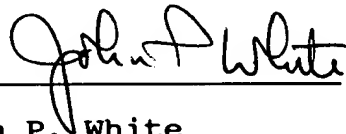
The enclosed check for SIXTY FIVE DOLLARS (\$65.00) covers the surcharge under 37 C.F.R. §1.16(e) for submitting the enclosed Declaration for a small entity.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invite the Examiner to telephone at the number provided below.

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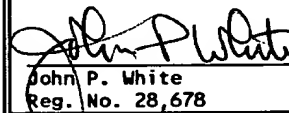
No fee, other than the enclosed fee of \$65.00, is deemed necessary in connection with the filing of this Communication. If any other fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



John P. White
Registration No. 28,678
Attorney for Applicants
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, New York 10036
(212) 278-0400

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:
Assistant Commissioner for Patents,
Washington, D.C. 20231.

 5/17/00
John P. White Date
Reg. No. 28,678

FORMALITIES LETTER



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UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark OfficeAddress: COMMISSIONER OF PATENT AND TRADEMARKS
Washington, D.C. 20231

#5

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/490,700	01/24/2000	Bernard Conrad	61130/JPW/KRD

John P White
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, NY 10036

Date Mailed: 03/28/2000

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- Total additional claim fee(s) for this application is \$720.
 - \$1458 for 81 total claims over 20.
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 850.**

*A copy of this notice **MUST** be returned with the reply.*

Regina Fields

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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